

## EASTMAN ORATES ON WITNESS STAND

Judge Calls His Story of Heroic Boy Pacifist an Allegory.

## WOMAN POET DISMISSED

Editor of the "Masses" Denies Trying to Hinder War Programme.

Max Eastman, son of a Congressional minister, former instructor of philosophy at Columbia and chief of the defendants accused by the Government of conspiring through the "Masses" to obstruct recruiting, took the stand in the Federal District Court yesterday and made an impassioned plea for conscientious objectors to military service.

While he spoke the court room became a few minutes an auditorium, with the defendant in the center of the stage, and with all the dramatic skill and charm of voice he has cultivated during his experience on the lecture platform, the story of a conscientious youth who refused to carry a rifle until, tormented by constant taunts of cowardice, he killed himself.

When he finished Judge Augustus N. Hand held that the story might constitute competent testimony as illustrative of a state of mind. The court said, however, that there was no need for any more "allegories."

Eastman said he had no more stories to tell, but Mr. Hillquit brought out that he had a letter from President Wilson wherein the President pointed out that many things permissible in time of peace could not be allowed in wartime, but that it was difficult to draw the line.

Eastman, the first witness for the defense, was long on the stand. He told in detail the workings of the office of the "Masses," the magazine which he edited at 34 Union Square, where no manuscript or drawing was accepted without his personal approval. He said that he had a letter from President Wilson wherein the President pointed out that many things permissible in time of peace could not be allowed in wartime, but that it was difficult to draw the line.

## No Editors' Meeting.

Eastman denied that he had ever been in a meeting at which a policy of obstruction had been agreed upon. He said that he had a letter from President Wilson wherein the President pointed out that many things permissible in time of peace could not be allowed in wartime, but that it was difficult to draw the line.

The practice of no revision had some modification, the witness said, in the case of hastily written articles on current topics, but "works of art," that is, drawings, poems and carefully written prose matter, were inviolate. In his own case he permitted Floyd Dell to revise his prose, but his poetry—never. In denying that he is a pacifist, Eastman declared that in whatever he had written that might be construed as an effort to obstruct recruiting, he had been moved solely by the idea that conscientious objectors to military service should be given, in the name of liberty and democracy, the right to refuse to bear arms on a mission of death to others.

## Denies Pro-German Funds.

"Did you make any effort to sell or circulate the 'Masses' among persons eligible for service in the army or navy of the United States?" asked Mr. Hillquit.

"No," was the answer. Eastman explained that his chief connection with the business department of the magazine was to raise the money necessary to meet recurring deficits. He said he got the money from friends.

"Did you at any time receive any money from any source which in any way might be described as a pro-German source?"

"I never did," Eastman said that he had a letter from President Wilson wherein the President pointed out that many things permissible in time of peace could not be allowed in wartime, but that it was difficult to draw the line.

The number of defendants was reduced by Judge Hand yesterday. He dismissed the indictment against Josephine Bell. She contributed a single objectionable poem. It was a tribute to Berkman and Emma Goldman. In arguing for a dismissal of all the indictments Mr. Hillquit declared that the publication of the objectionable articles did not constitute a concrete hindrance or obstruction to recruiting. A physical act is necessary under the present law, Mr. Hillquit argued. He said that the proof that lay in a proposed amendment in Congress to the espionage act which makes it a crime to "discourage" recruiting. He turned the word "obstruct" in the act at length, but Judge Hand ruled against him.

## LEHROOT SWORN IN AS SENATOR

Takes Seat Made Vacant by Paul O. Hastings' Death.

Special Dispatch to THE SUN.

WASHINGTON, April 18.—Irving L. Lehroot, recently elected to the Republican ticket in Wisconsin to fill the vacancy occasioned through the accidental death of Paul O. Hastings, today took the oath of office.

Senator Warren (Ohio) announced that Mr. Lehroot had been assigned to the Senate Committee on Commerce, Public Buildings and Forest Reservations, Railroads and Forest Reservations and the Protection of Game.

## FORE! GOLFER!

Save 33 1-3% 5 Clubs and Bag \$14 A splendid opportunity for you to obtain a set of imported golf clubs, including driver, woods, irons and other makes (on which there is now an embargo).

Golf bag, \$3.50 Driver, \$5.00 Woods, \$3.50 Irons, \$3.00 Putter, \$2.00 Total, \$17.00

J. B. CROOK & Co., Inc. Specialists in Sporting Goods 549 FIFTH AVENUE at 45th Street New York

## BRITISH ATTORNEY-GENERAL DISCOVERS NEW UNITED STATES IN FIGHTING MOOD

Right Honorable Sir Frederick Smith, Who Made a Speaking Trip Here Last Winter, Describes in "My American Visit" the Rush of War Preparations Which Have Transformed This Country.

### WHAT HAS GONE BEFORE.

Sir Frederick Smith came to America Christmas week, 1917, to tell the United States what Great Britain was doing in the war and what it was hoped America would contribute. He received an ovation from New York business men. After a two days' stay in New York, terminating in a great dinner at Sherry's, he left for Washington.

The growth of the prohibition movement in the United States and Canada made a great impression on Sir Frederick. He remarked on the enthusiasm of the dry battalions he attended and thought it unlikely that the dry vote might sweep the country. He found no great evidence of our participation in the war on the streets of New York, but a large evidence of it in the minds of the great majority of persons.

By the Right Hon. Sir Frederick Smith, Attorney-General of England.

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### CHAPTER IV.

Washington—The Embassy—Interviews with Ministers and the President.

I return to the diary.

Saturday, December 29.—We arrived at Washington at 12:15 P. M. and four and a half hours later. The Ambassador and Lady Spring Rice most kindly asked H. S. and myself to stay at the Embassy. The Colonel stayed with Sir Charles Gordon.

I had not met Sir Cecil or Lady Spring Rice before. They showed us the greatest kindness and that most precious form of hospitality which allows the guest to do whatever he wishes. I knew, of course, by reading his despatches for two and a half years of the extraordinary difficulties with which Sir Cecil had been confronted during the period before the United States entered the war. But I carried away from many long and intimate talks with him a far deeper and more vivid impression of the pitiless and daily work of the Ambassador. The course pursued, and I think necessarily and wisely pursued, by President Wilson involved all those who were diplomatically concerned in a situation requiring the daily exhibition of tact, subtlety and patience. I gladly place on record the tribute rendered to our Ambassador by a Cabinet Minister of great sagacity: "No man ever had a more difficult hand to play; no man ever played it with fewer positive errors."

He gave me the impression of a man who had felt the strain of his labors and responsibility. But he was always willing to talk, to help and to advise, and I owed much in my visit to his wise counsel. It is a pleasure to put on record my view that he has rendered services of the highest character to his country during a most anxious and critical period.

We found on our arrival that our host and hostess were dining out, but Lieutenant Arthur Murray, Mr. P. brother of my old friend Lord Elibank, had most kindly arranged a dinner for us, at which he and Mr. Arthur Willert of the British war mission were joint hosts. We dined at the Metropolitan Club at 8 o'clock. Many interesting people were present, including Mr. Redfield, the Secretary of Commerce; Mr. Houston, the Secretary of Agriculture; Mr. Hurley, the chairman of the Shipping Board; and Mr. Phillips, the Assistant Secretary.

"These words were written by me before I heard of the melancholy and premature death of our late Ambassador. I have not altered or added to them, though I would have used a warmer note could I have read the fact that he died for England as certainly as I have in the trenches. He was a very sincere, able and patriotic Englishman."

I was very sorry that an old friend, Mr. Justice Oliver Wendell Holmes, was prevented from being present. I have always thought that his work on "The Common Law" is one of the most profound studies of the principles which underlie our legal system. I had last seen him at a small fancy dress dance

and dinner at my house at Charlton in 1912. I was naturally very glad to meet so many members of one of the greatest judicial bodies in the world. I sat between the Chief Justice and Mr. Justice Brandeis, the most recently appointed Judge, and evidently an extremely clever man. Afterward we changed places and I had a long talk with my colleague, the Attorney-General. Here, and later with the Solicitor-General, I was able to discuss many matters of interest to both countries which are not easy to arrange by correspondence.

The relative positions of the Attorney-General and the Solicitor-General in the United States are by no means the same as in England. The Attorney-General over here is so much absorbed in that kind of administrative work which in continental countries falls to the Minister of Justice that he seldom or never appears in a case in court himself. The most important cases which require the appearance of law officers are the appeals to the Supreme Court, and practically the whole of these, in cases affecting the Government, are argued by the Solicitor-General. The First of Second Assistant Attorney-Generals is available to help him in matters requiring the presence of more than one counsel.

The Attorney is a very pleasant and agreeable man and full of explanation about American legal affairs. He was most anxious, as the Chief Justice had been, to arrange a dinner for the bar to meet me before we left Washington. But unfortunately it was not possible. The Solicitor-General enjoys a great reputation as a lawyer. We spoke of the prospects and positions of law officers in the States and Great Britain, particularly in relation to salaries and the prospects of judicial promotion. It appears that in the United States law officers rarely become Judges, and on a vacancy in the office of Attorney-General or Solicitor-General are not often given the office. Salaries seem ludicrously low in the United States, and I was told by many lawyers who had been either Attorney or Solicitor of cases where men had held the office for a short time, in order to gain prestige in their profession, and had then prematurely, to the prejudice of the public service, given it up in order to make nine or ten times as much in private practice.

The Chief Justice explained to me how much their method of trying a legal argument differs from ours. Each side, as is well known, prepares elaborate written briefs, containing a full citation of the relevant authorities. When the cases come before the court the advocates present an attractive and comparatively short summary of their written briefs. The court almost always postpones its decision, the draft of which is prepared by one of the judges "assigned" for that purpose by the Chief Justice. I said that on the whole our methods seem to make a greater demand upon the ability of the bar and perhaps even of the bench. I fancy that he agreed.

Monday, December 31.—At 10 A. M. there was an instructive conference at the Embassy of all the heads of the various British missions then in Washington. Those present were about ten in number, including myself and H. S., who were invited to be present. A useful and businesslike talk followed. The only actual decision I recall was that British officers in uniform were not to be served with alcoholic drinks in public places in the United States. The decision was reached on the ground that it was undesirable to have one rule for British officers and a different one for Americans. It fell upon me to communicate it to the Consul.

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present me to-day to the President and other Cabinet Ministers, and accordingly took me to the Government offices in the morning. All the Ministers whom I saw were very frank, and discussed the war situation with great freedom. It is obvious that very little of the conversation can be repeated here, but I may place on record some fugitive impressions of the remarkable men who are carrying on the war in the United States. I was first taken to Mr. Secretary Lansing, who is, of course, responsible for foreign affairs, and who gave me the impression of a shrewd, able, self-contained man of the world; courteous and by no means without humor. We discussed the interminable question of the internal conditions of the Central Empires and Turkey. He was rather encouraging, though not extravagantly so, and his conclusions agreed very closely with those of our own Foreign Office. He was interesting about things in China and spoke of Japan in a very generous and broad minded manner. He was pleasant and encouraging about my tour.

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The next Minister in order was Mr. Secretary Baker, who is responsible for the army, an alert, energetic man of moderate stature, who gave the impression of considerable nervous energy. Like the others, he was extremely civil and obliging, and he heard me out, going to Cleveland, where his constituency is, gave me a letter to a friend of his in the neighborhood, a distinguished Judge, whom I afterward met.

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Both Daniels and Baker had a reputation before the war of being strong pacifists. I saw, for instance, the speech attributed in the press to the Secretary of the Navy, only a year or two before the United States came into the war, in which he argued that there was really no need for the United States to have a strong navy, on the ground that if they had a weak one, or none at all, every foreigner would feel it unprofitable to attack a nation so defenceless. Mr. Secretary Baker, I understand, rang himself quite clearly among those who were passionately anxious to keep America out of the war, believing, almost to the end, that tact and patience could achieve this result without prejudice to her honor and material interest. Both these gentlemen, each at the head of a belligerent department, were now completely convinced that the United States had taken the only possible choice, and that their honor and their future were bound up in the successful outcome of the war. I was told everywhere—and it would appear to be natural—that the presence in his cabinet of two such gentlemen, each with the same mental processes. We then spoke of his own speeches, and of those of our own Prime Minister, and after some talk about Col. House's mission and my own thought I had trepassed as long as was proper upon one whose time was so limited, and I rose to take my leave.

In the evening we dined with the Chadbourne. Among those present was Miss Wilson, a daughter of the President, who, I am told, has a wonderful voice, and sings at great dinners at concerts in distant parts of the States.

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Non nobis tantas componere lites, but it seemed to me, as a stranger, that the Secretary defended himself with a good deal of spirit, resource and knowledge. His critics accused him of flippancy. It is, in any event, useful in these grave and pressing matters, that there should be a constant stream of well informed and obliging, and he heard me out, going to Cleveland, where his constituency is, gave me a letter to a friend of his in the neighborhood, a distinguished Judge, whom I afterward met.

Both Daniels and Baker had a reputation before the war of being strong pacifists. I saw, for instance, the speech attributed in the press to the Secretary of the Navy, only a year or two before the United States came into the war, in which he argued that there was really no need for the United States to have a strong navy, on the ground that if they had a weak one, or none at all, every foreigner would feel it unprofitable to attack a nation so defenceless. Mr. Secretary Baker, I understand, rang himself quite clearly among those who were passionately anxious to keep America out of the war, believing, almost to the end, that tact and patience could achieve this result without prejudice to her honor and material interest. Both these gentlemen, each at the head of a belligerent department, were now completely convinced that the United States had taken the only possible choice, and that their honor and their future were bound up in the successful outcome of the war. I was told everywhere—and it would appear to be natural—that the presence in his cabinet of two such gentlemen, each with the same mental processes. We then spoke of his own speeches, and of those of our own Prime Minister, and after some talk about Col. House's mission and my own thought I had trepassed as long as was proper upon one whose time was so limited, and I rose to take my leave.

In the evening we dined with the Chadbourne. Among those present was Miss Wilson, a daughter of the President, who, I am told, has a wonderful voice, and sings at great dinners at concerts in distant parts of the States.

We went on afterward to a ball

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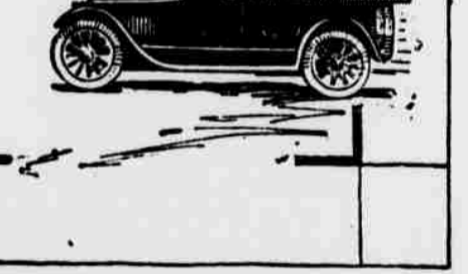
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Yes, peace has her dangers as well as war, and they are practically all due to carelessness or neglect. In motoring, for instance, if you drive with defective brake linings, you are taking even greater chances with your life than the soldier who faces death in the grim struggle of "No Man's Land."

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